

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA                   :       CRIMINAL ACTION

v.   :

KAREEM EBRON                               :       NO. 04-430

**MEMORANDUM**

**Baylson, J.**

**January 24, 2006**

Presently before the Court is Defendant's Motion to Suppress Evidence. The Court held an evidentiary hearing on October 17, 2005. The government called arresting officer Eric Rieser, who testified of his detailed experienced within the 22<sup>nd</sup> Police District of Philadelphia while he was stationed at 17<sup>th</sup> and Montgomery Streets, and prior to his service as a police officer, he had been a probation officer in the same neighborhood.

Officer Rieser testified that on April 26, 2004 he was in a patrol wagon near the intersection of Colonna and 11<sup>th</sup> Streets. While sitting in the patrol wagon, he observed a gray Pontiac traveling east on Colonna Street around 6:50 p.m., at which time the lighting was dusk. The gray Pontiac then turned north on 11<sup>th</sup> Street, and as it passed the patrol wagon, Officer Rieser testified that he could see from a distance of approximately 25 feet that the steering wheel was covered with a white cloth, similar to a t-shirt. This was a signal to Officer Rieser, based on his personal experience, that the car may be stolen because car thieves frequently are able to steal a car by breaking open the plastic housing around the steering column and are then able to start the car with the use of a screwdriver or some kind of knife, without the use of a key. He and his

police partner pulled up in back of the gray Pontiac, stopped it, ordered the driver out of the car, and removed the white cloth, whereupon he saw that there was no key in the ignition switch, which gave him further reason to believe that the car was stolen. The driver did not have a license or registration. At that time, he and his partner asked the occupant in the front passenger seat to get out of the car, and both the driver and the individual sitting in the front passenger seat were frisked. Officer Rieser then asked the Defendant, who was seated in the rear of the car, to get out and he also was frisked whereupon a .22 caliber handgun was found in Defendant's pants' pocket.

Officer Rieser testified that he had performed the frisk of the three individuals for his own protection while he was investigating whether the car was stolen. An investigation did not reveal that the car had been stolen, but it apparently was not owned by any of the occupants and it was thereupon forfeited.

The issue present is whether the police officers had sufficient evidence to perform a frisk of the Defendant under Terry v. Ohio, 392 U.S. 1 (1968). The Court credits the experience and judgment of Officer Rieser, which was based on substantial experience in the specific neighborhood where the arrest took place and his experience in having a commonsense approach to observations of criminal activity. Once the car-stop was valid, it was reasonable for the officer to ask the occupants to step out of the car and to frisk them for the officer's own protection.

The Court rejects the Defendant's attack on Officer Rieser's credibility. Defense counsel has presented an articulate argument, disputing the adequacy of Officer Rieser's suspicions about criminal activity. However, defense counsel has been unable to cite any case that is precedential authority to grant the Motion to Suppress. For the above reasons, the Defendant's Motion to

Suppress Evidence will be denied.

An appropriate Order follows.

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**ORDER**

AND NOW, this 24<sup>th</sup> day of January, 2006, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that Defendant's Motion to Suppress Evidence (Doc. No. 16) is DENIED.

BY THE COURT:

s/Michael M. Baylson

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Michael M. Baylson, U.S.D.J.